

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 11, 2016
Council Chambers
7:30 p.m. – 9:46 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:50 p.m.), Day, Kujawa and Cook.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Gary Fields, Director of Finance; Chris Keosian, Student Liaison and Brandon Carroll, Deputy Student Liaison.

Mayor Wojahn opened the meeting at 7:30 p.m.

Announcements:

Councilmember Dennis announced that the Lakeland Civic Association would meet on Thursday at 7:00 p.m. at the College Park Community Center.

Councilmember Nagle discussed the devastation in Haiti from Hurricane Matthew.

Councilmember Kabir said the North College Park Civic Association would meet on Thursday at 7:30 at the Youth and Family Services building.

City Manager's Report: Mr. Somers reported on:

- Items in the red folder
- Free microchipping for College Park pets at the Hollywood Farmers Market
- Fall Clean Up days – Public Works yard open October 22 and October 29
- Senior Health Fair Friday October 14 from 1 – 3 at the College Park Community Center
- Dinner Dance with the Night Life Band sponsored by the Recreation Board on Friday October 21 at the College Park Moose Lodge
- Halloween Thing at Youth and Family Services on Saturday October 29 from 10–12.

Acknowledgements: Mayor Wojahn thanked new CBE appointee Sarah D'Alexander

Amendments To And Approval Of The Agenda:

- Move Introduction of 16-O-09 to the first action item (Day/Dennis)
- Remove 16-G-126 for Healthy Vending Machine legislation (Brennan/Nagle)
- Move parking item from tonight's Worksession to the Worksession on November 1 (Brennan/Nagle)
- Move 16-G-122 Milkboy+Arthouse to the Worksession on October 18 (Nagle/Brennan)
- Agenda approved as amended Dennis/Day 7 – 0 – 0

PUBLIC COMMENT ON CONSENT AND NON-AGENDA ITEMS:

Akil Patterson, Deputy Director, Sugar Free Kids Maryland, Baltimore: Spoke about the County's Healthy Vending Act. Although the bill has been put on hold, they are in support. Requires vending machines to offer 50% healthy options in food and beverages.

Oscar Gregory, 9253 Limestone Place: Spoke about lowering the City's Homestead Tax Credit Rate: why would anyone have a problem lowering the rate? Why would we think it is OK to solve the University of Maryland's parking problems on our residential streets, and to charge residents for permit parking programs? Why should the City be involved in solving the University's day care problem? Let them use property on campus.

Dave Dorsch, 4607 Calvert Road: There is still no railing in front of Bentley's/Cornerstone. Are we going to wait until someone gets hurt? Whose responsibility is this? When are the recycling stickers going to be put on top of recycling cans? We need the signs because we have a transient population. The state needs to do a better job of synchronizing the traffic lights on US Route 1.

James Mulholland, Phi Kappa Psi: Discussed the "Phi Psi Phriends" Community Outreach Program: they will help with raking leaves and shoveling snow: www.phipsiUMD.com

PRESENTATIONS:

1. SHA: John Webster, Project Manager, Greenbelt Metro Interchange Project, gave a presentation on the current status of the project, which is contingent on Greenbelt being selected for the FBI. That decision is expected in December. See attached PowerPoint.
2. Strategic Plan: Mayor Wojahn asked Council if they would be willing to move the "Update on the Strategic Plan" to the Worksession at the end of the meeting, in the interest of time. The Council agreed.

CONSENT AGENDA:

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to adopt the Consent Agenda, which consists of the following:

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|-----------------|---|
| 16-R-27 | Approval of a Resolution to disband the Neighborhood Watch Steering Committee |
| 16-G-128 | Approval of Minutes: Special Session on September 20, 2016; Regular Meeting on September 27, 2016; Special Session on September 27, 2016 |

The motion passed 8 – 0 – 0.

ACTION ITEMS:

16-O-09 Introduction of an Ordinance to lower the City's Homestead Tax Credit Rate from 4% to 2%.

A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to introduce Ordinance 16-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 175 "Taxation", Article II "Homestead Property Tax Credit", By Repealing And Reenacting §175-3 "Rate", To Change The Homestead Property Tax Credit Rate From 104% To 102%.

Mayor Wojahn announced that the Public Hearing will be October 25, 2016 at 7:30 p.m. in the Council Chambers.

16-G-123 Approval of release of escrow funds from PPC/CHP Maryland Limited Partnership subject to agreement by the owners to install safety improvements at the intersection (Hollywood Road)

A motion was made by Councilmember Nagle and seconded by Councilmember Brennan that the City release funds held under Paragraph 25 of an Amended Agreement between the City and PPC/CHP Maryland Limited Partnership.

Councilmember Nagle said that \$500,000 has been held in escrow for the purpose of developing and financing Hollywood Road extended west of US 1. \$50,000 was spent on a feasibility study prepared by VIKA Maryland. One feasible alignment was identified but would cause significant harm to adjacent businesses and require the acquisition of private property. The City and the owner agreed there is no obligation to pursue the design and construction of a Hollywood Road extension to the west at this time, and with minor adjustments the current entrance/egress from the Mazza Property, that area can be made safer. The owner has agreed to work with SHA on these improvements.

Councilmember Cook acknowledged the neighbors who came out tonight and apologized for the stress this study caused them.

The motion passed 8 – 0 – 0.

16-G-124 Consideration of a request from the College Park Tennis Club for a \$10,000 grant in exchange for certain considerations as outlined in their proposal to the Council on October 4, 2016

A motion was made by Councilmember Day and seconded by Councilmember Brennan to approve the contribution of \$10,000 to JTCC in consideration of the benefits listed in the attached partnership proposal.

Councilmember Day said we have been talking about this for three years and he looks forward to the City supporting one of the gems of our community.

Mayor Wojahn pointed out the revised proposal in the red folder: there were two revisions -

1) Removed the memberships for Mayor and Council; 2) Revised the payment plan so that the second installment will fall in FY '18.

Councilmember Nagle requested a way to track how many residents actually utilize this.

Councilmember Kujawa raised a question about free instruction to elementary students in College Park – will they actually go to the elementary schools, or invite students in?

Councilmember Nagle suggested changing the wording to “elementary age students who live in College Park.”

Motion passed 5 – 2 – 1 (Councilmember Cook and Nagle opposed; Councilmember Kabir abstained).

16-G-125 Approval of Detailed Site Plan, with conditions, and Declaration of Covenants for LIDL (follow up to the September 20 W/S)

Ms. Schum gave an overview: At the September 20 Worksession, Council heard a presentation for a LIDL grocery store at the intersection of Berwyn Road and US 1. After the Worksession, the applicant, Ms. Schum and the City Attorney continued discussions to try to reach agreement on outstanding items. The Park & Planning staff report has been released and provided to Council. The Planning Board date is October 20. Staff had no success in negotiating conditions relating to the business operations of the store (opening hours, delivery hours, shelf stocking methods). These items are outside of the County Planning Board purview. There is a revised staff recommendation in the red folder: minor changes related to Route 1 access. The Applicant agrees with the City’s revised staff recommendation.

Matt Tedesco, McNamee Hosea, attorney for LIDL: He said they agree with the staff conditions and the draft Declaration of Covenants, and will attest to such at the Planning Board. This is one of the 5th largest retailers in the world. They have done everything they can to respond to concerns heard through meetings with the community and staff.

Councilmember Brennan reiterated the community concern about traffic and discussed the impact of the opening hours of the store on morning rush hour traffic on Berwyn Road. They hope this store is less like an ALDI and more like a Trader Joe’s.

Mr. Tedesco said the store hours have not been determined. He pointed out the language in Paragraph 12 of the Declaration of Covenants that they agree to work together to resolve any operational issues. They want to be good corporate neighbors.

A question was asked about the number of employees they would hire. Mr. Tedesco said 30 – 40.

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to approve the staff recommendation to support Detailed Site Plan 07079-01 with conditions and subject to the execution of a Declaration of Covenants and Agreement in substantially the form attached.

Comments from the audience:

Bob Catlin, 8604 49th Avenue: He is excited about the project and thanks LIDL for listening to the community. He asked what the resolution of the Route 1 access is. He also asked how they will control the removal of shopping carts from the property.

Ms. Schum said the County will allow the Route 1 access which is a modification to the Route 1 Sector Plan. City staff is recommending changes, subject to SHA approval, to decrease the width of that access to Route 1, from 20 feet to 12 feet, and to provide striped crosswalks. Ms. Schum spoke with SHA about Route 1 access issues. The Route 1 reconstruction project will create a median and limit left turns, so the question remains can the driveways left behind be made safer for all traffic. The design issues for this project were addressed much earlier so there is not much wiggle room at this point.

Mr. Tedesco doesn't know the details of the cart corral containment at this time but if there is an issue they will address it. There was discussion of the City ordinance that addresses this.

Oscar Gregory, 9253 Limestone Place: He supports the local hiring and asked if they would pay a living wage.

Mr. Keosian said the students are excited about this development – it is one less reason to need a car.

The motion passed 8 – 0 – 0.

16-G-129 Discussion of City support for community diversity dialogs

Mayor Wojahn gave an overview: Pastor Marc Garrett contacted him after the incident in Orlando expressing a desire to work with the City on dialogs focusing on bridge building between diverse groups. The Obama administration, through the National League of Cities, reached out to local governments to encourage them to participate in community dialogs about diversity. Mayor Wojahn, Pastor Garrett, Imam Shraim, the City Manager and Public Services Director participated in a conference call with the NLC on this topic. The Public Services Director agreed to coordinate the participation of Public Safety officials. They agreed the best way to proceed was to hold a stakeholder meeting, which he announced at Worksessions. Members of the Council raised concerns about the participation of staff in this matter. He is asking for staff to be involved in a limited way.

Marc Garrett, Pastor, Church of the Nazarene: After the Orlando incident he expressed his concerns for the LGBT community to the Mayor and asked the Mayor if he would be willing to take part in a conversation to address those issues.

Councilmember Nagle has no concern with the dialog itself; it is the perfect thing for the Mayor to do. Her only concern was with the use of staff time and how it evolved procedurally. We eliminated the two-hour rule so that staff wouldn't spend time on a project unless we all agreed upon it. She wants to make sure we proceed appropriately so we don't over-tax staff.

Councilmember Kabir wants to know what the need is for the staff involvement. Mr. Somers said staff will provide contact with the Public Safety community.

Councilmember Nagle asked if this is a City initiative. Mayor Wojahn said the City will play a key role even though he doesn't see it as a City initiative. We want to make sure we are providing services equitably and the way to find out is to ask the community. We are not forming a standing committee. Councilmember Nagle doesn't think we should have staff reporting to this group. She recommends that the group meet first and then report to Council. Mayor Wojahn said the first meeting is October 19.

A motion was made by Councilmember Brennan and seconded by Councilmember Stullich to support City involvement for Community Diversity Dialogs.

There was no comment from the audience.

Councilmember Cook asked what "city involvement" entails? How many hours? It is confusing; this is not a City committee but we want staff to be involved?

Mayor Wojahn said staff can be involved to the extent they see fit.

Councilmember Kujawa is unclear what City support means. She suggests the Mayor hold the kick-off meeting first and then return when he has a better idea of what staff's involvement would be.

Mr. Somers said it has been limited to this point - we have reached out to public safety officials. Mr. Ryan said we will attend the planning meeting on October 19. Mr. Somers said if the role is greater we will have to talk about it.

Councilmember Kabir wants to know how much staff time will be involved.

Councilmember Stullich said it sounds like we are micromanaging staff; staff attends a lot of meetings without Council approval.

Councilmember Day suggested the motion say staff is authorized to attend up to two meetings with the purpose of evaluating future staff involvement to be determined at a later date when it is brought back to Council.

Mr. Somers is concerned about a slippery slope. Everyone has a lot of meetings they attend and is concerned about taking votes about what staff is doing, but he is more concerned about whether there is City support for this. It sounds like there is some support as long as it doesn't derail staff from their current duties and the goals of the Strategic Plan. At some point we may have to say, "We can't take on any more." But a few meetings for a few hours should not derail the organization.

Mayor Wojahn and Councilmember Stullich wondered if we need to vote on this at all.

Councilmember Kabir asked if we could be reminded about the two-hour rule. Mr. Somers said they don't have this rule anymore, but it allowed any member of Council to go to staff and ask them to work on anything for up to two hours without approval of the Council. Mr. Somers supported eliminating the two-hour rule because it didn't give the City Manager the ability to

direct staff, it gave the elected body the ability to direct staff, and with 9 elected officials, two hours per item per Councilmember, that is a lot of time that the organization is not moving forward with the bigger picture approved goals.

Councilmember Stulich said she didn't think eliminating the two-hour rule meant that Councilmembers could never suggest anything to the City Manager. She thought it meant we can't approach staff to work on our special projects. The City Manager is the manager of the staff and is the arbiter.

Ms. Miller reminded Council about the language that was added to the Council's Rules and Procedures when the two-hour rule was removed: "Use of Staff Resources. A request for use of staff time, other than standard requests for information from department heads, by the Mayor or a Councilmember must be made through the City Manager unless already approved by the Mayor and Council."

Mayor Wojahn said that was done in this case. He asked if there was any objection in moving forward without a motion.

Councilmember Brennan and Councilmember Stulich agreed to withdraw the motion.

16-G-127 Consideration of a Council position on County bill CB-84-2016 - Outdoor Advertising Signs (Billboards) to include Digital Billboards

Mr. Gardiner provided an overview: The County Council is considering legislation to allow digital billboards as part of the existing language. The bill was amended in the PZED Committee but he doesn't have those amendments yet. Staff has some concerns about this because it would enable billboards that have received non-conforming use permits to be converted to large digital billboards which could be a distraction to drivers. There is one billboard in the City that this would apply to, in the Branchville industrial park by the VFW. Council discussed but took no action.

COUNCIL COMMENTS:

Councilmember Kabir said M-NCPPC is holding a hearing on their budget on October 18 at 7:00 p.m. Written comment can be submitted until October 29; Council will discuss at the next Worksession.

Councilmember Nagle commented on a request from a resident to celebrate indigenous people's day instead of Columbus Day. She received positive comment from her listserv about this and many other cities have done it as well. She also expressed a desire to restore the contest for Christmas Lights, which they used to do years ago. Do we need to have a Worksession on this or can we just agree this is something to be done? She suggested reaching out to civic associations for recommendations of who would rate the houses. Mayor Wojahn suggested adding this to a Worksession agenda.

Councilmember Brennan asked about the use of tags when someone has mis-placed items in their toter. Should they be on the toter, or at the front door? He noticed they drop on the ground and get soiled, and are only written in English.

Mayor Wojahn said there was a bike accident tonight on the Rhode Island Avenue portion of the Trolley Trail. He knows the County has been reluctant to pursue making this a more protected bike lane but perhaps we can engage the County about this again.

Councilmember Cook read an email from the Pastor of the Chinese Bible Church thanking Council for the vote earlier this evening on the Hollywood Road extension study.

STUDENT LIAISON COMMENTS: Mr. Keosian reported that the SGA will hold a Town Hall on the future of College Park and development in the City on October 25. He said the Breaking Bread diversity event will be held on Thursday and offered 5 tickets to Council and staff.

COMMENTS FROM THE AUDIENCE: None.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to adjourn into a Worksession, as noted on the agenda. The motion carried 8 – 0 – 0 and Mayor Wojahn adjourned the Regular Meeting at 9:46 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved